

## CHILDREN'S SERVICES OVERVIEW AND SCRUTINY PANEL

WEDNESDAY, 16 NOVEMBER 2016

PRESENT: Councillors REPRESENTATIVE), Edward Wilson, David Evans, Lynne Jones, Marion Mills (Vice-Chairman), Natasha Airey, Nicola Pryer and Eileen Quick (Chairman)

Also in attendance: Cllr Dudley, Cllr N Airey and Mrs White..

Officers: Marie Bell, Claire Burns, Kevin McDaniel, Alison Alexander, Daniel Crampton, Alan Abrahamson and David Cook.

### APOLOGIES FOR ABSENCE

Apologies for absence were received by Mr Nigel Cook. Cllr McWilliams reported he would be late.

### DECLARATIONS OF INTEREST

Councillor David Evans declared an interest in the item 'Improving Choice in Education', as he would be presenting the report to Cabinet. He remained in the room for the duration of the discussion but did not vote on the item.

Councillor Dudley declared an interest in the item 'Improving Choice in Education' as he was a Founder and Chair of Governors at Holyport College, his wife was a founder and Governor at Holyport College and his daughter attended the school.

Councillor E Wilson declared an interest in the item 'Improving Choice in Education' as his wife works at St Edwards Catholic First School and his son works seasonally at Eton College. He remained in the room for the duration of the discussion and voting on the item.

### MINUTES

The Part I minutes of the meeting held on 22 September 2016 were approved as a true and correct record.

### IMPROVING CHOICE IN EDUCATION

The Panel considered the Cabinet report that responded to the Government consultation called "Schools that work for everyone". The report set out the response from the Royal Borough of Windsor and Maidenhead that confirms its commitment to excellent education for all pupils who live in the borough, particularly for those living with financial disadvantage.

The Panel was addressed by Mr Millin, who spoke on behalf of Excellent Education for Everyone, a group founded by borough parents to promote positive discussions about ways to deliver a fair and inclusive education for all in the borough. The Panel heard the group's evidence that selective education would lead to fewer children attaining their potential and the attainment gap between rich and poor growing wider; they did not support selective education. He mentioned that the borough had already invested in improving education with most schools being rated by Ofsted as Good or Excellent and thus there was no need to introduce selection.

Mr Millin mentioned that the Government had not introduced any legislation. He mentioned that in 2014 only 10 pupils out of 8031 who received free school meals and who sat the 11 plus passed the test, parents could already send their children to selective schools outside

RBWM and there was no need to introduce selection that benefited a few but hindered many. He used Ascot as an example where residents had the lowest number of pupils going into selective education as they already had an excellent local school; the borough should support local provision.

Mr Mellin felt that the Panel should recommend to Cabinet that the report be withdrawn until legislation had progressed through Parliament.

Cllr N Airey, Lead Member, informed the Panel that she shared the passion for education in the Borough expressed by Mr Millin and the Council were committed to all school. However she mentioned that currently 666 pupils had attended a selective school or a school with a selective stream outside of the Royal Borough since September 2011 and the Council would like them to have the choice to contribute to education standards within the Royal Borough and allow parents to have that choice.

Cllr Airey informed that the Council had a manifesto commitment, in response to residents' demands, to promote selective education within the Royal Borough. She would support any proposal that considers full or partial selective education, but only where the proposal includes a detailed commitment to raise the academic achievement of young people especially those eligible for pupil premium. Cllr Airey said she would be happy to discuss proposals with Excellent Education for Everyone.

The Panel received a presentation from the Head of Schools and Education Services setting context to the report. The presentation covered current school standards and attainment in 2016, the national policy direction and the demand for selective education within RBWM. The presentation also highlighted the challenge to improve attainment for disadvantaged pupils in the borough showing the difference between those eligible for Free School Meals and those who were not. The Panel were also informed that page 93 of the agenda pack showed the demand for selective education in the borough by looking at first preference data for years 7 and 11. This showed that 13% of the borough wanted to go into selective education. The report was being brought to Cabinet now so RBWM could respond to the Governments consultation.

Cllr Jones questioned the accuracy of the data showing that 14% of parents wished to have selective education as the Windsor figures could not be true as most parents did not make an application at year 7. The Chairman mentioned that some pupils did leave the Windsor system at year 7 and the Head of Schools and Education Services mentioned that table H (page 93) of the report did show that the total number of pupils in Windsor had been reflected in the calculation and thus the figure was as stated.

Cllr E Wilson mentioned that Trevelyan Middle School Windsor had joined with a grammar school and questioned if there would be selection at year 7. The Panel were informed that the trust had given no indication that they wished to change their admission arrangements and if they wished to change them this could not be done before September 2018. Cllr E Wilson questioned if selection could be done by default rather than a decision of the borough and was informed that the trust were keen to improve standards and had not indicated they wished to introduce selection.

Cllr Dudley mentioned that schools in RBWM were making fantastic progress and that it was wrong to make the assertion that the report was bringing selective education to the borough as it was already here with pupils having to leave the borough to go to selective schools, sixth form selection as well as 16% of pupils going into private education.

Cllr Dudley reiterated the need to help pupils receiving pupil premium and agreed that the free school meal figure at William Borlase school should not be replicated in any proposals. The borough wanted a multi-producer model to ensure every child could achieve its potential. He was not happy with the fact that less than 10 pupils from the borough went to Oxbridge each

year. The proposals in the paper were just another part of the mix and retaining private and selective educated pupils in the borough would help drive up attainment across the spectrum.

Mrs White mentioned that there had been a lot of talk about 'getting in' which implied that others would be 'out'. There had also been talk about demand with 13% wanting selective education which also means 87% had not indicated that they wanted selection. The Council had a difficult decision to make that may not be positive for everyone.

Mrs White informed the Panel that in areas where there were existing grammar school the other schools found it five times more difficult to recruit staff and that the number of good or outstanding schools was also much lower. With regards to helping disadvantaged groups we should be mindful that the borough was making good progress on attainment and we should be mindful of the impact of selective education.

Cllr E Wilson said that there had been no mention what the future looked like; how many schools would be selective. Cllr Dudley informed the Panel that progress 8 at Furze Platt was fantastic and that we needed to wait to see what the legislation looked like. Any school wishing to become selective would have to get approval from the DFE. Cllr Dudley gave the example of a borough who had excellent primary schools but no good secondary schools; it was important that RBWM residents had a good mix of options. The proposed way forward was not about returning to the grammar and secondary modern system.

Councillor Mrs Jones mentioned that in principle she was not against selective education however she was concerned that recommendation i asked Cabinet to 'endorse the development of selective or partially selective education'.

The Panel was being asked to endorse this despite not knowing what would be coming forward from central government in legislation and without having the information to know whether or not the development of selective education, in whatever form, would have a negative effect on other school within the borough.

Councillor Mrs Jones felt that the paper did not give the depth of analysis or the detail on how selective education would impact on the current system to allow debate or scrutiny. She mentioned that there had been no reference to the Sutton Trust report that highlighted concerns about the impact of selective education.

Cllr D Evans also referred to the research by the Sutton Trust that showed independent schools were disproportionately represented in many professions and that he would have liked more reference from their research in the consultation response. The council had made a commitment in its manifesto to promote more choice, including selective education within the legal framework. This should also be looked at in a wider context of global competition for education provision and that there was nothing in the report suggesting we would be going back to the grammar and secondary modern system. The schools in the borough were already in competition with selective school and continued to perform well.

The report proposed responding to the government consultation and indicating support. The intention was to offer more choice to parents. Selection already occurred in the borough at sixth form level. 15% of parents chose to send their child across the border to a grammar school. There was therefore already evidence that there would not be a negative impact on borough schools.

(Cllr Dudley left the meeting)

Cllr Jones reiterated that the report was asking the Panel to endorse selective education but did not provide information for Members to make an informed decision. The report asked officers to contact existing grammar schools if they wished to establish a school in the borough and she could not support this pro active approach without proper scrutiny of the proposals.

The Chairman mention that the report was only asking schools if they would be interested in a form of selective education it was not giving permission to introduce it. Any future decision on selective education would require future Cabinet reports and thus debate by scrutiny.

The Chairman asked Cllr Airey if the negative impact of selective education had been considered. Cllr Airey informed the Panel that the report was not saying we would introduce selection but it was about all pupils having opportunities for excellent education. It was about young people having an option to choose. It was important to understand the LEA place in this process as it would be the DFE that made the final decision on schools becoming selective. If all our schools wished to become grammar schools the LEA would champion what was best for our young people against this decision. Evidence suggested that there would be no negative impact on our existing schools. There was no proposals to go back to the old style of selection this was about improving choice for all.

Cllr Jones mentioned that the Panel had been informed that there was no intention of returning to the old 1950's system but this had not been evidenced within the report. It was the role of the Panel to scrutinise the report, whether they supported selective education or not.

Cllr E Wilson supported the pro active approach in the report but said it was important that we be transparent and allow residents to see the responses from schools.

Cllr Airey mentioned that the report was not a vision statement but a response to the green paper consultation. The report responded to the consultation and write to schools about an expression of intention, the recommendations did not give authority to go further then this. This was about getting a head start on any future offer.

Cllr Mills mentioned that she supported the recommendations and Cllr Evans suggestion that there should be reference to the Sutton Trust findings.

**Cllr David Evans did not vote on this matter as he would be presenting the report to Cabinet.**

**Resolved that: The Children's Services O&S Panel endorsed the recommendations in the Cabinet report. The Panel recommended that the Sutton Trust Report on the effects of selective education should be fully examined and where appropriate reflected in the LEA's consultation response. It was felt that selection should be based more on aptitude rather than fully on ability and that in future reports there should be less emphasise on the phrase 'getting in'.**

**Cllr Jones and Mrs Tanya White (Secondary Headteacher Representative) did not support the recommendations within the Cabinet report. Cllr D Evans did not vote on the matter as he had declared an interest.**

**Cllr Jones did not object to the exploration of selective education but she felt that the report lacked the balanced view of the impact this could have on existing schools and did not provide the assurances required to endorse the recommendations. There was insufficient information to scrutinise if selective education should be endorsed.**

(Tanya White left the meeting)

## ADULTS AND CHILDREN'S SERVICES ANNUAL COMPLAINTS

The Panel considered the report that provided an overview of the performance of the Council in respect of receiving, handling and responding to complaints received to Adult and Children

Services. The report covered the periods 1 April 2014 to 31 March 2015 and 1 April 2015 to 31 March 2016.

The Panel were informed that there was a statutory frameworks in place governing the complaints process for Adult and Children's social care This was outside the formal corporate complaints service. The management and administration of this function was moved within the Operations and Customer Services Directorate. This ensured that there is independence between the officer coordinating the investigation and the service areas being investigated.

The Pane were told that between February 2014 and February 2015 the complaints officer role was vacant due to the previous post holder leaving and challenges recruiting a suitable alternative. As a result the recording of the complaints during this period was not as accurate as it should have been and since March 2016 officers were raising awareness of the complaints process and improve the recording of complaints being received.

The Panel noted that tables 1 and 2 of the report showed complaints activity across Children's and Adults Directorates for the years 2014/15 and 2015/16 and compared them with the previously reported activity for 2013-14.

With regards to complaints for Children's Services stage 1 complaints had fallen from 2013-2014 to 2015-2016, however there had been an increase in stage 2 and stage 3 received in 2015/16, these were all from complaints started in 2014/15 and this was linked back to the period where there was not an active complaints co-ordinator in post. It was noted that a lot of complaints had been about how the Council dealt with concerns raised rather the services provided.

The Chairman mentioned that the report showed the percentage of complaints but it would be useful to see the number of complaints received.

Cllr D Evans asked if the complaints service would remain with RBWM when Children's Services transferred to AFC and was informed that it would. Cllr Evans also mentioned that the report did not show the severity of the complaints and was informed that if there was a safeguarding issue it would be escalated to the appropriate body. The Panel were also informed that officer would look at introducing examples of complaints received whilst retaining confidentiality.

Cllr E Wilson reported that it would be good to see if the had been any change in policy or procedure as a result of complaints analysis. This was reiterated by Cllr Mills.

The Chairman, on behalf of the Panel, thanked officers for their hard work improving the complaints procedure and service.

The Panel noted the report.

## FINANCIAL UPDATE

The Panel received a presentation on the latest Financial Update Cabinet report and was informed that the financial position had improved from the time of the last reporting period with an underspend of £430,000 now projected for the Council as a whole. Reserves were anticipated to total £6.5m by year end, which was above the recommended level.

With regards to the Adult, Children and Health directorate it had reduced its projected overspend by £154,000. This resulted in a projected year end overspend of £158,000 out of a budget of £57m. The presentation showed the overspend and underspend for the different services areas and was informed that with regards to Children's Services there were the following pressures / underspends:

- Home to school transport - +343k

- Agency staff in MASH - + 312k
- Internal Fostering placements - -170k
- Legal support from Joint Team - +206k
- Residential childcare placements - -336k
- Leaving Care costs - -113k
- Passenger assistance – high needs - +200k
- Alternative Provision due to exclusion - +100k
- Berkshire education library support service closure costs - +94k

The above pressures resulted in a 394k projected overspend.

Cllr D Evans questioned the increase spend on legal support and was informed that there had been a significant case that had legal costs over £50k and there were more cases than before.

The Chairman asked if with regards to Home to School Transport the pressure relating to special needs continued. The Panel were informed that officers continues to look at this pressure with assessments being made on a case to case basis.

Cllr Jones raised concern that it was difficult to know what residential child care placements would be in the future and that a couple of placements could see the directorate having an overspend. The Panel were informed that the cost of child care placements had been reduced by being able to have better local provision. Placements were being managed better and joining AFC will also help.

**Resolved unanimously: that the Children's Services O&S Panel fully endorsed recommendation 1 in the Cabinet report, they did not vote on recommendation 2 as in was not in this Panels remit.**

## HARD TO FILL ROLES

The Panel were informed that in July 2016 the Employment Panel approved to adopt the definition of 'hard to fill roles' and a number of recommendations to help the authority recruit to these posts. The Panel also agreed an additional recommendation to ensure monitoring of the implementation of enhanced rates and the effect on the finances of the service and therefore agreed that regular reports be provided to the Children's Services Overview and Scrutiny Panel.

The Panel were informed that paragraph 2.2 to 2.5 of the report highlighted the proposed increase in wages for child protection workers whilst 2.5 showed the proposed recruitment campaigns.

Paragraphs 2.6 to 2.11 including table 1 showed the rational for amending the pay bands for new and existing Adult Social Workers and Occupational Therapists. The report also highlighted the plans to implement key worker housing and the relocation package for hard to fill roles.

The Chairman asked if it was a local problem recruiting to the safeguarding roles across Berkshire and was informed that it was common across a number of authorities.

Cllr Jones questioned if the statutory positions were filled by permanent staff if this would result in a saving and would case loads go up. The Panel were informed that the report did not mention savings as the additional cost of agency staff was being offset from other budgets and that case loads are increasing because of the increase in child protection cases. It was also noted that permanent staff were kept at a team manger level.

The Panel noted the update,

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PRESS AND PUBLIC

**RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.**

The meeting, which began at 6.30 pm, finished at 9.00 pm

CHAIRMAN.....

DATE.....